

Market Consultation

The starting point of this step-by-step plan is that you have a clear understanding of the goals you aim to achieve with the tender.

1 DETERMINE THE FORMAT OF THE MARKET CONSULTATION

Checklist

- ✓ Written, Spoken, or a Combination? (Questionnaire or physical meetings?);
- ✓ Open or Closed? (A selection of market parties or open to everyone?);
- ✓ Interactive or Non-Interactive? (Engage in discussions, allowing questioning and feedback or not?)

2 PREPARE THE MARKET CONSULTATION

Checklist

- ✓ Consider offering compensation to participating parties;
- ✓ Keep the practical aspects simple;
- ✓ Document your questions;
- ✓ Formulate your questions in a clear and precise manner;
- ✓ Indicate how you will handle confidential information;
- ✓ State that participation is voluntary (non-binding) and that it does not confer any rights.

3 ORGANISE A MEETING

Checklist

- ✓ Ensure a clear process and an atmosphere of trust during the spoken consultation and interactive sessions;
- ✓ Emphasise the rules related to transparency, objectivity and equality in advance;
- ✓ Use open-ended questions;
- ✓ Document the market consultation in detail and submit the reports to the participating parties for approval.

4 CONCLUDE THE MARKET CONSULTATION

Checklist

- ✓ Determine insights relevant to your procurement that will be used for:
 - the final program of requirements
 - the risk allocation between the client and the contractor
 - the payment process
 - the ultimate tender
- ✓ Prepare the market consultation report, describing the obtained insights in general terms;
- ✓ Make the market consultation report publicly available.

5 UTILISE THE RESULTS OF THE MARKET CONSULTATION IN YOUR TENDER

Checklist

- ✓ Determine the final procurement strategy;
- ✓ Attach the market consultation report as an appendix to your tender, so that all interested entrepreneurs have access to the same information;
- ✓ Ensure that the obtained information does not lead to targeting a specific entrepreneur in the tender.



*NB: When using preliminary market consultations or external expertise for the preparation of the tender, Public Authorities must be ensured that the competition is not disturbed and/or no unjustified advantage is provided to the candidates participating in the market consultations.
(Art. 40 & 41- Directive 2014/24/EU)*

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